



CITY OF HAYWARD AGENDA REPORT

AGENDA DATE 7/18/00

AGENDA ITEM 9

WORK SESSION ITEM

T O : Mayor and City Council

FROM: Director of Public Works

SUBJECT: Grading Permit for Slide Repair at 3820 Oakes Drive

RECOMMENDATION:

It is recommended that the City Council approve the attached resolution **finding** the negative declaration adequate and complete, and authorizing the City Engineer to issue grading permit GR-0306 to Annette Lewis and Clifton Capers.

BACKGROUND:

The property at 3820 Oakes Drive (lot 2 of Tract 2776) is a two-story, single-family home constructed in 1965. The landslide occurred at the rear of the existing building; however, there is no damage to the home. Also, **the landslide** affected the homes on either side of 3820 Oakes Drive. Repairs were made to 3812 Oakes Drive a few years ago and 3828 Oakes Drive only requires a retaining wall that will be scheduled during the work on 3820 Oakes Drive.

According to "the report prepared by Globe Soil Engineers, dated September 16, 1998, the landslide appears to have occurred during the heavy rains of 1997 and early 1998. The slide is within the center, rear section of the lot, approximately 50 feet at the widest area and extends approximately **80-feet** downhill. The maximum depth of failure is on the order of four feet below the original ground surface.

The proposed remedial work (Exhibit B) includes the installation of a retaining wall on a pile foundation along the northerly, southerly, and westerly property lines to create a 27-foot-wide concrete patio behind the house; installation of both a surface and sub-surface drainage system; minor surface re-grading to a maximum 2: 1 (horizontal to vertical) slope; landscaping with deep rooted, drought tolerant, native plants; and planting of shrubs and trees for long-term protection. In addition, drilled concrete piers placed at 6' spacing will be constructed along the entire property boundary below the retaining wall. Staff has reviewed the proposed grading plan and has determined that it is in conformance with the geotechnical report and proper engineering practices. The proposed grading should protect the subject property from further landslides.

Staff conducted an environmental **evaluation**, which resulted in the negative declaration (Exhibit C), and recommends approval of the project. The Grading Ordinance specifies that if the site slope is greater than 20 percent, the grading permit must be approved by the City Council prior to the issuance of the permit. The average slope of the site is approximately **40-50,percent**. Notice of this hearing has been given to the owners of all property located within **300** feet of the site, as required by the grading ordinance.

Grading and pier drilling can be completed without causing any significant nuisance to the general public. The work will be completed in approximately 60 working days and is scheduled to be completed prior to October 15. The permit will allow grading only between the hours of 8:00 a.m. and **5:00** p.m., Monday through Friday, with no weekend or holiday work. Work will not be allowed to continue during the rainy season after October 15.

Prior to the issuance of the permit, and in order to address potential safety and nuisance concerns, a security deposit will be required insuring that the work will be completed in a timely manner.

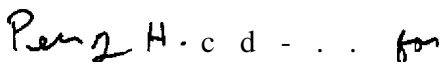
Prepared by:


Robert A. **Bauman**, Deputy Director of **Public Works**

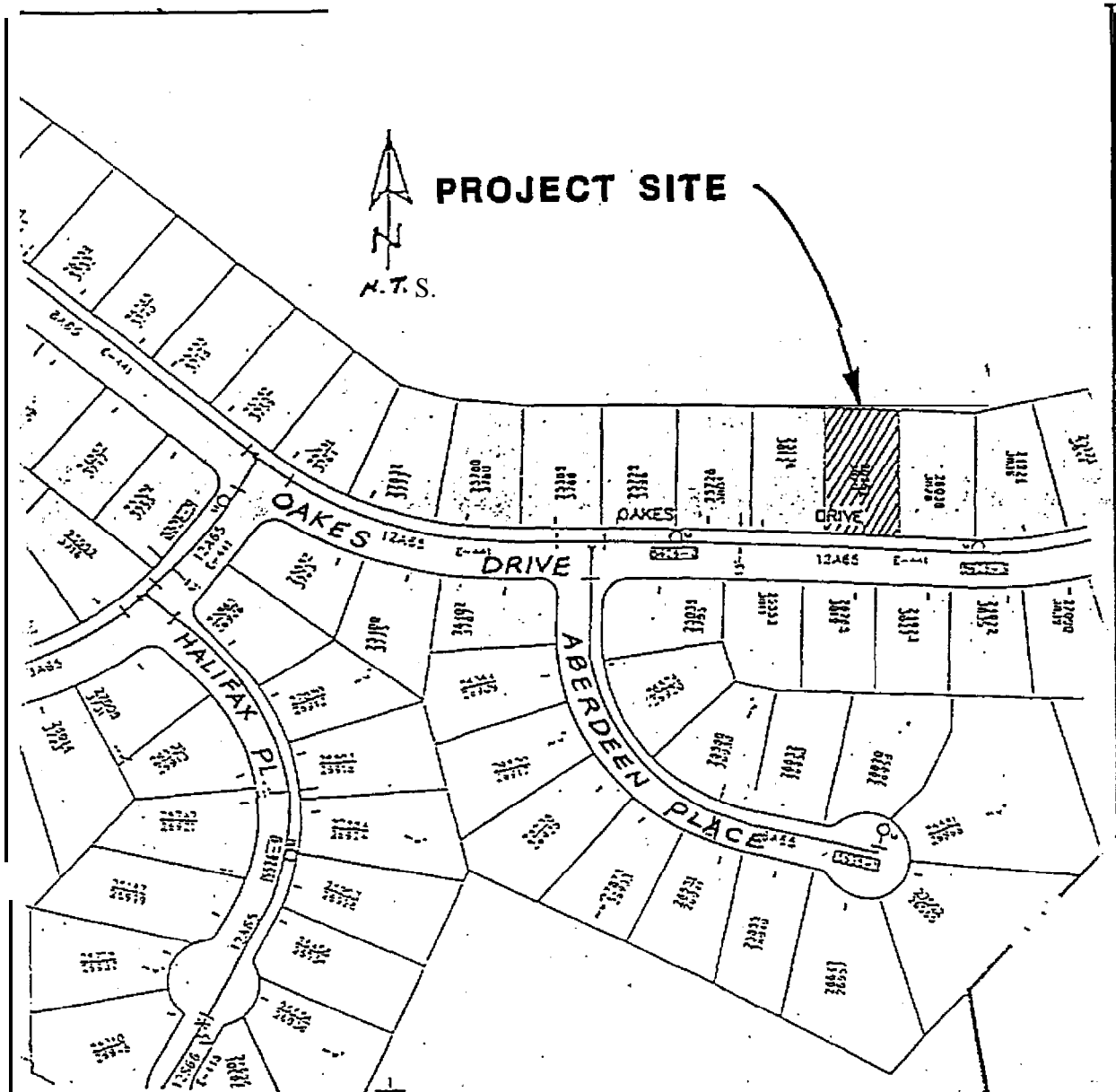
Recommended by:


Dennis L. **Butler**: **Director** of Public Works

Approved by:


Jesus **Armas**, City Manager

Attachments: Exhibit A: Area Map
 Exhibit B: Site Plan
 Exhibit C: Negative Declaration



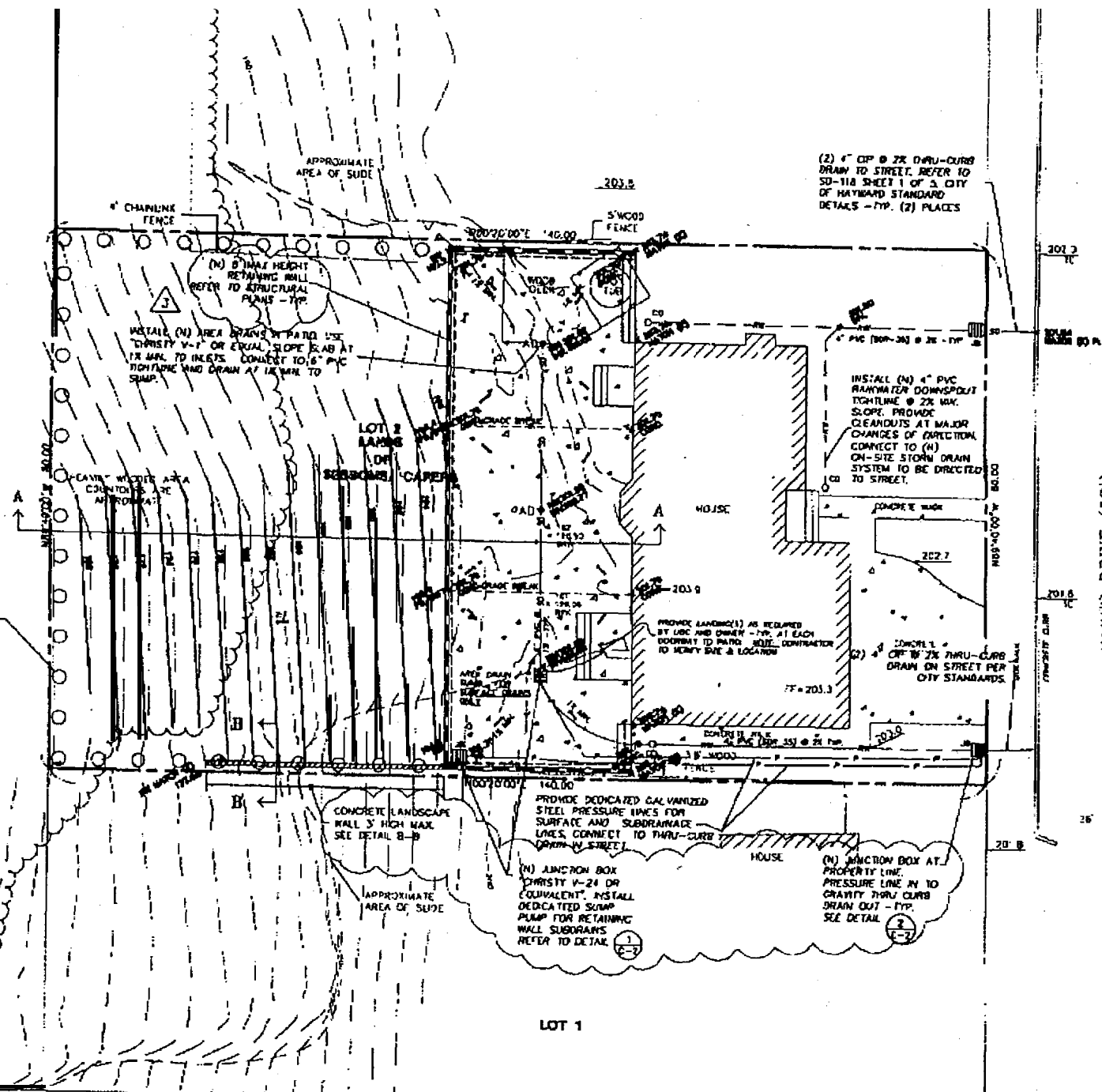
AREA MAP

GR 0306

3820 OAKES DRIVE

**HAYWARD AREA PARK
AND RECREATION DISTRICT
TRACT. 3784
BOOK 104 OF MAPS AT
PAGE 7**

CONSTRUCT (N) STITCH PIER AT 6.0' O.C. - TYP. ACTUAL LOCATION TO BE DETERMINED BY THE SOILS ENGINEER REFER TO STRUCTURAL PLANS FOR FURTHER DETAILS



NEGATIVE DECLARATION

Notice is hereby given that the City of Hayward **finds** that no significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

I. ***PROJECT DESCRIPTION:***

Grading Permit GR 0306 at 3820 Oakes Drive: Annette Lewis and Clifton Capers (Owners/Applicants) - Request to grade their backyard in order to repair the existing landslide.

The property is located approximately 250 east of the intersection of Oakes Drive and Aberdeen Place. The project site is bounded to the north by open land, to the south by Oakes Drive, to the east and west by single family homes.

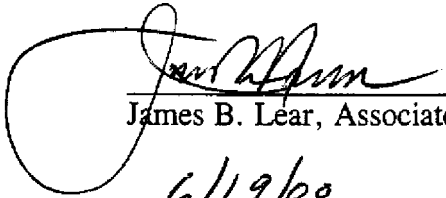
II. ***FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:***

The proposed grading of the site, as conditioned, will have no substantial effect on the area's resources, cumulative or otherwise.

III. ***FINDINGS SUPPORTING DECLARATION:***

1. The proposed grading will not create significant impacts related to changes in topography, water quality, or site drainage.
2. The installation of sub-drain pipes will enhance the stability of the slope.
3. The site does not support any fish or wildlife habitat, or any rare or endangered species.
4. There **are** no active faults in the site area. The active Hayward Fault trace is located approximately 2.0 miles southwest of the site, and the Chabot fault is located approximately 0.9 **miles** southwest of the site.
5. There is no knowledge of anything in the site area of historical or archeological significance.
6. Positive dust-control methods approved by the City Engineer, that will be utilized at all times during grading, will preserved air quality.
7. The grading plans shall clearly identify all trees to be removed and preserved.

IV.. *PERSON WHO PREPARED INITIAL STUDY:*


James B. Lear, Associate Civil Engineer
6/19/00
Date

V. *COPY OF INITIAL STUDY IS ATTACHED*

For additional information, please contact the City of Hayward, 777 "B" Street, Hayward, California 94541-5007 or telephone the City Clerk at (510) 583-4400.

Distribution

- Provide copies to all organizations and individuals requesting same in writing.
- Send to project applicants.
- Reference in all public hearing notices to be distributed 20 days in advance of initial public hearing **and/or** publish once in Daily Review (20 days prior to hearing if no other public notice, otherwise 10 days; reference **in** all Notices of Decision distributed 20 days prior to effective date of decision).

Posting

This Notice is to be posted for a period of at least 20 days upon receipt:

1. At the City Clerk's Office
2. On the **Main** City Hall Bulletin Board
3. In the City Library branches.

INITIAL STUDY CHECKLIST FORM

Project title Grading Permit GR 0306

Lead agency name and address: City of Hayward, 777 "B" Street, Hayward, CA 94541-5007

Contact persons and phone number: James B. Lear (510)583-4785

Project location: 3820 Oakes Drive, Hayward, CA 94542

Project sponsor's name and address:

Annette Lewis and Clifton Capers

3820 Oakes Drive, Hayward CA 94542

(510) 583-3967

General plan designation Low Density Residential Zoning: Residential District

Description of project: Grading Permit GR 0306: Annette Lewis and Clifton Capers,
(Owners/Applicants) – Request to grade their backyard in order to repair the existing landslide.

The site is located at 3820 Oakes Drive, Hayward CA 94542

Surrounding land uses and setting:

The property is bounded to the north by open land, to the south by Oakes Drives, to the east and
west by single family homes.

Other public agencies whose approval is required Not Applicable

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

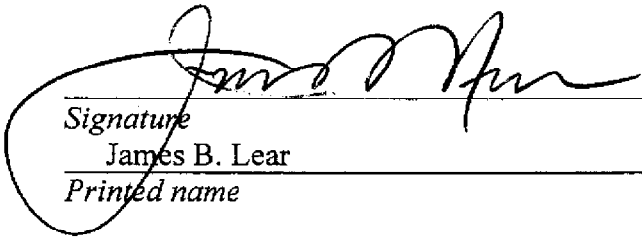
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/> Land Use and Planning	<input type="checkbox"/> Transportation/Circulation	<input type="checkbox"/> Public Services
<input type="checkbox"/> Population and Housing	<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Utilities and Service Systems
<input type="checkbox"/> Geological Problems	<input type="checkbox"/> Energy and Mineral Resources	<input type="checkbox"/> Aesthetics
<input type="checkbox"/> Water	<input type="checkbox"/> Hazards	<input type="checkbox"/> Cultural Resources
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Noise	<input type="checkbox"/> Recreation
<input type="checkbox"/> Mandatory Findings of Significance		

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that **remain** to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because **all** potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.


Signature

James B. Lear

Printed name

6/19/00
Date

City of Hayward

For

ENVIRONMENTAL IMPACTS:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
I. LAND USE AND PLANNING. <i>Would the proposal:</i>				
a) Conflict with general plan designation or zoning?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> <i>The property is designated as residential district. The proposed grading is consistent with this designation.</i> <u>Impact:</u> <i>No impact.</i>				
b) Conflict with applicable environmental plans or policies adopted by agencies-with jurisdiction over the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> <i>The project is not in conflict with environmental plans or policies adopted by the City or other government agencies.</i> <u>Impact:</u> <i>No impact.</i>				
c) Be incompatible with existing land use in the vicinity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> <i>The proposed use is compatible with residential land uses in the vicinity.</i> <u>Impact:</u> <i>No impact.</i>				
d) Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible land uses)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> <i>The site is not zoned for agricultural uses.</i> <u>Impact:</u> <i>No impact.</i>				
e) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> <i>The project will not disrupt the physical arrangement of existing residential development. The site to be graded is to repair an existing landslide</i> <u>Impact:</u> <i>No impact.</i>				

II. POPULATION AND HOUSING. *Would the proposal:*

a) Cumulatively exceed official regional or local population projections?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> <i>The proposed project is for grading only.</i> <u>Impact:</u> <i>No impact.</i>				

- | | Potentially
Significant
Impact | Potentially
Significant
Unless
Mitigation
Incorporated | Less Than
Significant
Impact | No Impact |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|--------------------------------------------------------------------|------------------------------------|-------------------------------------|
| b) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comment: See II a.

- | | | | | |
|--------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Displace existing housing, especially affordable housing? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: See II a.

III. GEOLOGIC PROBLEMS. *Would the proposal result in or expose people to potential impacts involving:*

- | | | | | |
|-------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Fault rupture? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|-------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: *The property is outside the **Earthquake Fault Zones**. The active **Hayward fault** trace is located approximately 1.70 miles southwest of the site and the **Chabot fault** is located approximately 0.9 miles of the site.*

Impact: *No impact.*

- | | | | | |
|----------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: *There is already exists the potential for strong ground shaking at the site, due to the proximity of the site to the major **active** faults capable of generating significant earthquakes. The repair does not **affect** this impact*

Impact: *No impact.*

- | | | | | |
|----------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Seismic ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: *This area is not known to have the potential for seismic groundfailure, including liquefaction.*

Impact: *No impact.*

- | | | | | |
|-----------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Seiche, tsunami, or volcanic hazard? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|-----------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: *Not known in this area.*

Impact: *No impact.*

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Landslides or mudflows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Comment:</u> Grading the site during rainy season poses a risk, because of the possibility of heavy rains during construction increasing the instability of the slope, and eventually creating a major landslide on the property. No grading will be permitted on this site during the rainy season (October 15 to April 15). Grading will be done in conformance with the recommendations contained in the soils report prepared by Globe Soil Engineers dated September 16, 1998, Project No. SR980813 . Copy of the soils report is on file in the Engineering and Transportation Library. <u>Impact:</u> Less than significant impact				
f) Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> The proposed grading is to restore the slope to the original grades. <u>Impact:</u> No impact				
g) Subsidence of land?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> Area is not known for this condition. <u>Impact:</u> No impact.				
h) Expansive soils?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> The soils encountered in the borings report generally consisted of a blanket, 5 to 7 foot thick, of fill and soft to firm clays and to sandy clays (mixed with roots and rocks) over 3 to 5 feet of weathered siltstone and shale bedrock, followed by siltstone and shale sound bedrock. The soils possessed a low strength and a medium plasticity and expansion potential. <u>Impact:</u> No impact .				
i) Unique geologic or physical features?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> No unique geologic or physical features exist. <u>Impact:</u> No impact				

IV. WATER. *Would the proposal result in.*

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff? <u>Comment:</u> <i>The proposed project will be provided by a subdrain system placed behind the new retaining walls, consisting of either weep holes spaced at a minimum of 4-foot centers or 4-inch diameter perforated or slotted pipes bedded in permeable material.</i> <u>Impact:</u> <i>Less than significant impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of people or property to water related hazards such as flooding? <u>Comment:</u> <i>This area is not located in a designated Flood Plain.</i> <u>Impact:</u> <i>No impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Discharge into surface waters or other alteration of surface water quality (e.g., temperature, dissolved oxygen or turbidity)? <u>Comment:</u> <i>The project will not discharge into surface waters or affect surface water quality.</i> <u>Impact:</u> <i>No impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Changes in the amount of surface water in any water body? <u>Comment:</u> <i>The project will not affect the amount of surface water in any body of water.</i> <u>Impact:</u> <i>No impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Changes in currents, or the course or direction of water movements? <u>Comment:</u> <i>The project will not affect water currents, direction or course of water movements.</i> <u>Impact:</u> <i>No impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of ground water recharge capability? <u>Comment:</u> <i>The project will not affect the quality of ground water. There is no ground water at 16 and 18 feet depths.</i> <u>Impact:</u> <i>No impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- | | Potentially
Significant
Impact | Potentially
Significant
Unless
Mitigation
Incorporated | Less Than
Significant
Impact | No Impact |
|------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|--------------------------------------------------------------------|------------------------------------|-------------------------------------|
| g) Altered direction or rate of flow of ground water? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <u>Comment:</u> <i>The project will not affect the rate of flow of ground water.</i> | | | | |
| <u>Impact:</u> <i>No impact</i> | | | | |
| h) Impacts to ground water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <u>Comment:</u> <i>The project will not affect the ground water quality.</i> | | | | |
| <u>Impact:</u> <i>No impact.</i> | | | | |
| i) Substantial reduction in the amount of ground water otherwise available for public water supplies? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <u>Comment:</u> <i>The project will not affect the amount of ground water otherwise available for public water supplies.</i> | | | | |
| <u>Impact:</u> <i>No impact.</i> | | | | |

V. AIR QUALITY. Would the proposal:

- | | | | | |
|------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| a) Violate any air quality standard or contribute to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <u>Comment:</u> <i>The project will be required to implement dust control measures during construction.</i> | | | | |
| <u>Impact:</u> <i>No impact.</i> | | | | |
| b) Expose sensitive receptors to pollutants? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <u>Comment:</u> <i>The proposed grading will not expose sensitive receptors to pollutants.</i> | | | | |
| <u>Impact:</u> <i>No impact.</i> | | | | |
| c) Alter air movement, moisture, or temperature, or cause any change in climate? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <u>Comment:</u> <i>The proposed grading will not alter air movement, moisture, or temperature, or cause any change of climate.</i> | | | | |
| <u>Impact:</u> <i>No impact.</i> | | | | |

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Create objectionable odors?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Comment: *This proposed grading would not create objectionable odors.*

Impact: *No impact*

VI. TRANSPORTATION/CIRCULATION. *Would the proposal result in:*

a) Increased vehicle trips or traffic congestion?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
---------------------------------------------------	--------------------------	--------------------------	-------------------------------------	-------------------------------------

Comment: *The proposed grading will not create ,a significant impact to the nearby intersection.*

Impact: *No impact.*

b) Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
----------------------------------------------------------------------------------------------------------------------------------------	--------------------------	--------------------------	--------------------------	-------------------------------------

Comment: *The proposed grading will nut create hazards to safety from design features.*

Impact: *No impact,*

c) Inadequate emergency access or access to nearby uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
----------------------------------------------------------	--------------------------	--------------------------	--------------------------	-------------------------------------

Comment: *The project does not affect emergency vehicle access.*

Impact: *No impact*

d) Insufficient parking capacity onsite or offsite	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
----------------------------------------------------	--------------------------	--------------------------	-------------------------------------	-------------------------------------

Comment: *The project does not require parking.*

Impact: *No impact.*

e) Hazards or barriers for pedestrians or bicyclists?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
-------------------------------------------------------	--------------------------	--------------------------	-------------------------------------	-------------------------------------

Comment: *The proposed grading will not result in hazards or barriers for pedestrians or bicyclists.*

Impact: *No impact.*

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> <i>The proposed grading will not conflict with adopted policies supporting alternative transportation</i> <u>Impact:</u> <i>No impact.</i>				
g) Rail, waterborne or air traffic impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> <i>No conflicts exist.</i> <u>Impact:</u> <i>No impact,</i>				
VII. BIOLOGICAL RESOURCES. <i>Would the proposal result in impacts to</i>				
a) Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> <i>No wildlife exists on the landslide area.</i> <u>Impact:</u> <i>No impact.</i>				
b) Locally designated species (e.g., heritage trees)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> <i>The site does not contain locally designated species.</i> <u>Impact:</u> <i>No impact.</i>				
c) Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> <i>The site does not contain locally designated natural communities.</i> <u>Impact:</u> <i>No impact.</i>				
d) Wetland habitat (e.g., marsh, riparian, and vernal pool)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> <i>No wetland habitat exists on the site.</i> <u>Impact:</u> <i>No Impact.</i>				
e) Wildlife dispersal or migration corridors?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> <i>The site is not located within a wildlife dispersal or migration corridor.</i> <u>Impact:</u> <i>No impact.</i>				

VIII. ENERGY AND MINERAL RESOURCES. *Would the proposal.*

- | | Potentially
Significant
Impact | Potentially
Significant
Unless
Mitigation
Incorporated | Less Than
Significant
Impact | No Impact |
|-----------------------------------------------------|--------------------------------------|--------------------------------------------------------------------|------------------------------------|-------------------------------------|
| a) Conflict with adopted energy conservation plans? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comment: *The proposed grading will not conflict with adopted City of Hayward energy conservation plans.*
Impact: *No impact.*

- | | | | | |
|----------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Use nonrenewable resources in a wasteful and inefficient manner? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: *The proposed grading will not use nonrenewable resources in a wasteful and inefficient manner.*
Impact: *No impact.*

- | | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|-----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: *No known resource would be significantly affected by this proposed grading.*
Impact: *No impact.*

IX. HAZARDS. *Would the proposal involve:*

- | | | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| a) A risk of accidental explosion or release-of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|

Comment: *The proposed project will not involve a risk of accidental exposure or release of hazardous substances.*
Impact: *No impact.*

- | | | | | |
|----------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Possible interference with an emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: *The project does not have the potential to interfere with emergency response or evacuation plan.*
Impact: *No impact.*

- | | | | | |
|------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) The creation of any health hazard or potential health hazard? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: *The proposed project will not create a health hazard or a potential health hazard.*
Impact: *No impact.*

- | | Potentially
Significant
Impact | Potentially
Significant
Unless
Mitigation
Incorporated | Less Than
Significant
Impact | No Impact |
|------------------------------------------------------------------------|--------------------------------------|--------------------------------------------------------------------|------------------------------------|-------------------------------------|
| d) Exposure of people to existing sources of potential health hazards? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comment: *The proposed grading will not expose people to existing sources of potential health hazards.*

Impact: *No impact.*

- | | | | | |
|--------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Increased fire hazard in areas with flammable brush, grass, or trees? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: *The proposed grading will not increase fire hazard in areas with flammable brush, grass, or trees*

Impact: *No impact*

X. NOISE. *Would the proposal result in:*

- | | | | | |
|----------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Increases in existing noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Comment: *A temporary increase in noise will occur during the grading of the site. However, hours of grading are regulated by the City of Hayward Noise Ordinance and the impact will be minimal. The completed project will not create noise levels that are above the noise level for the area.*

Impact: *Temporary; the duration of grading operation.*

- | | | | | |
|-----------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b) Exposure of people to severe noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|-----------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Comment: *People will be exposed to an increase in noise levels during the grading of the site, however, the exposure to grading noise is temporary. People will not be exposed to severe noise levels.*

Impact: *Temporary grading noise; not to reach severe noise levels.*

XI. PUBLIC SERVICES. *Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:*

- | | | | | |
|---------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Fire protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: *The proposed grading will not require fire protection.*

Impact: *No impact,*

	Potentially Significant impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Police protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> <i>The proposed grading will not require police protection from the Hayward Police Department</i> <u>Impact:</u> <i>No impact.</i>				
c) Schools?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> <i>The proposed grading will not generate more school age children than what is already anticipated by the Hayward General Plan.</i> <u>Impact:</u> <i>No impact.</i>				
d) Maintenance of public facilities, including roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> <i>The proposed grading will not affect the maintenance of public facilities.</i> <u>Impact:</u> <i>No impact.</i>				
e) Other government services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> <i>No other services are impacted..</i> <u>Impact:</u> <i>No impact.</i>				
XII. UTILITIES AND SERVICE SYSTEMS. Would the <i>proposal</i> result in a need for new systems or supplies, or substantial alterations to the following utilities?				
a) Power or natural gas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> <i>No power or natural gas required for the proposed grading.</i> <u>Impact:</u> <i>No impact.</i>				
b) Communications systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> <i>No communication facilities required.</i> <u>Impact:</u> <i>No impact .</i>				
c) Local or regional water treatment or distribution facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> <i>Existing Local or regional water treatment or distribution facilities will not be impacted.</i> <u>Impact:</u> <i>No impact.</i>				
d) Sewer or septic tanks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> <i>Sewer or septic tanks will not be impacted.</i> <u>Impact:</u> <i>No impact.</i>				

	Potentially Significant impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Storm water drainage? <u>Comment:</u> Existing facilities are adequate to accommodate the proposed grading. <u>Impact:</u> No impact.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Solid waste disposal? <u>Comment:</u> The proposed grading will not <i>affect</i> the solid waste <i>disposal</i> <u>Impact:</u> No impact.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Local or regional water supplies? <u>Comment:</u> Local or <i>regional</i> water <i>supplies will not be affected</i> . <u>Impact:</u> No impact.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIII. AESTHETICS. Would the proposal?

a) Affect a scenic vista or scenic highway? <u>Comment:</u> The proposed grading is not located near a scenic vista or scenic highway. <u>Impact:</u> No impact.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a demonstrable negative aesthetic effect? <u>Comment:</u> The propose grading <i>will</i> not have a demonstrable negative aesthetic <i>effect</i> . <u>Impact:</u> No impact.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Create light or glare? <u>Comment:</u> The proposed grading <i>will</i> not result in a new source of light or glare. <u>Impact:</u> No impact,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIV. CULTURAL RESOURCES. Would the proposal:

a) Disturb paleontological resources? <u>Comment:</u> The proposed grading is located in an area not known <i>for paleontological</i> resources. <u>Impact:</u> No impact.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------	--------------------------	--------------------------	-------------------------------------

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- b) Disturb archaeological resources?

Comment: *The proposed grading is located in an area not known for archaeological resources*

Impact: *No impact.*

- c) Have the potential to cause a physical change, which would affect unique cultural values?

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
-------------------------------------	--------------------------	--------------------------	-------------------------------------

Comment: *The proposed grading will not affect cultural values.*

Impact: *No impact.*

- d) Restrict existing religious or sacred uses within the potential impact area?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Comment: *Religious or sacred uses are not known to occur on this site.*

Impact: *No impact.*

XV. RECREATION. Would the proposal:

- a) Increase the demand for neighborhood or regional parks or other recreational facilities?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Comment: *The proposed grading will not increase the demand for neighborhood or regional parks or other recreational facilities.*

Impact: *No impact.*

- b) Affect existing recreational opportunities?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Comment: *See XV a*

Impact: *No impact.*

XVI. MANDATORY FINDINGS OF SIGNIFICANCE.

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California History or prehistory?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	-------------------------------------

b) Does the project have the potential to achieve **short-term**, to the disadvantage of long-term, Environmental goals?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

c) Does the project have impacts that individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the Effects of probable future projects)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

d) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	-------------------------------------	--------------------------	-------------------------------------

XVII. EARLIER ANALYSES.

None.

- a) **Earlier** analyses used. None.
- b) Impacts adequately addressed. None.
- c) Mitigation measures. Conditions of approval of Grading Permit GR 0306,

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO.

Introduced by Council Member _____

RESOLUTION CERTIFYING THAT THE NEGATIVE
DECLARATION FOR GRADING PERMIT
APPLICATION NO. GR-0306, ACTIVITY NO. 8110, HAS
BEEN COMPLETED IN COMPLIANCE WITH THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT AND
IMPLEMENTING STATE AND CITY GUIDELINES AND
AUTHORIZING THE ISSUANCE OF A GRADING
PERMIT TO ANNETTE LEWIS AND CLIFTON CAPERS

WHEREAS, it is necessary to grade ~~the~~ site at 3820 ~~Oakes~~ Drive (lot 2 of Tract **2776**), Hayward, in order to mitigate problems caused by a landslide ~~that~~ occurred during the heavy rains of 1997 and early 1998; and

WHEREAS, the average slope of the land is greater ~~than~~ 20 percent, thereby requiring City Council approval for the issuance of a grading permit pursuant to Hayward Municipal Code section **10-8.23(2)** before grading may be commenced; and

WHEREAS, Annette Lewis and Clifton Capers, owners/applicants, have submitted an application for a grading permit in compliance with ~~the~~ requirements of the Hayward Municipal Code; and

WHEREAS, the City Council of the City of Hayward hereby finds and determines that the City Council has independently reviewed and considered the information contained in the initial study upon which the negative declaration is based, certifies that the negative declaration has been completed in compliance with the requirements of the California Environmental Quality Act, and finds that the negative declaration reflects the independent judgment of the City of Hayward.

NOW, THEREFORE, BE IT RESOLVED that Grading Permit Application No. GR 0306, Activity No. 8110, is hereby approved and the Council authorizes the issuance of a grading permit to Annette Lewis and Clifton Capers.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2000

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of ~~the~~ City of. Hayward